

*This of the great Charter made 9. Hen. 3. Chap. 29. is confirmed above thirty times in Parliament, with a dreadfull Curse, and Excommunication upon the Breakers thereof.*

**N**O Free-man shall be taken or imprisoned, or be disseised of his Freehold or Liberties, or Free-customes, or be out-lawed, or exiled, or any otherwise destroyed, nor we shall not passe upon him, or condemne him, but by lawfull Judgement of his Peers, or by the Law of the Land, we shall sell to no man, we shall deny nor deferre to no man, either justice or right. In 31. of *Ed. 1. Cap. 1.* this is also confirmed, and to be sent under the Kings Seale, to all Sheriffes, and all other Officers, and to all Cities in the Realm, to be published twice everie yeare, and if any judgement shall be given contrarie to the Points of the great Charter, it shall be undone, and that Justices, Majors, and other Ministers of guiding the Lawes shall allow the same in pleading, in all their points, that is to wit the great Charter as the Common-Law, 3. of *Ed. 1. 8.* and that nothing be taken for faire pleading.

*Cook Comment, pag. 56.* we shall not sell, deny, or delay justice and right, *Iustitiam vel rectum*, neither the end which is justice, nor the mean, whereby we may attaine to the end. 36. *Ed. 3. 15.* By this Statute the people that plead, or be impleaded in the Courts of the King, or others must plead, defend, answer, debate and judge it in the English tongue, that everie man may the better save, and defend his heritage and possession.

By our National Covenant, we are with our estates and lives to preserve the Rights, and Priviledges of Parliament, the true Religion, and Liberties of the Kingdomes, and each one in his place and calling is to assist and defend all those that enter into this Covenant.

Also in the Declarations of both Kingdomes, it is resolved and decreed never to lay downe Armes, till truth and peace by the blessing of God be settled in this Island upon a firme Foundation, for the present and future Generations.

11. *H. 7. Chap. 12.* By this Statute all poore persons shall have *Writs* and *Subpoenas*, Councellours, Attorneyes, and all other Officers by the Chancellour, and other Justices in Courts of Record, taking nothing for the speed of their suits. By this the Devill shewes that are poor by this warre ought to have justice, and proceedings therein for nothing.

Our renowned A. c. stors out of their providence and policie to preserve this famous Kingdome by peace and piety in a flourishing state to their succeeding Generations, procured the great Charter with liberties against slavery and oppression, above thirty times confirmed in Parliament with annuall Proclamations of fearfull cursings against the breakers of that precious Charter;

To the right honourable Lords in the  
House of Peeres,

The humble Petition of Sir *Richard Strode, Robert Lane,*  
and *Henry Bell.*

Jan. 12. { 1645.  
          { 1646.

Humbly sheweth,

**T**HAT we finde by the holy Writ, Justice exalteth a Nation, and we feele  
by wofull experience, Tear Ship-money Judgements, and Arbitrarie  
Justice to raise y<sup>e</sup> Estates by Bribery, against the great Charter, hath well  
nere destroyed these Kingdome; also we see the Lord *Comptroler* is dead,  
rather then his Estate and others so gotten, should help keep us from star-  
ving, whilst that we are delayed of the recompence due to us out of those  
Estates, raised by our and others tomes. Moreover we see a pious and hono-  
rable care in the House of Commons, by their Declaration of the 1. of De-  
cember, 1645. that they seek to avoyd all temptations to injustice, and yet  
the Judges Favourites do not procure that Committee to sit, nor the se-  
cond caution to be left out of the Ordinance for the Sacrament of the Lords  
Supper dated 20. October, 1645. though by the great Charter, all the  
Rights of our holy Church ought to be allowed, viz. by this of *Ed. 1. 25. 3.*  
that the great Charter shall be read twice a yeare in all Cathedrall Churches,  
and that who in word or deed breake it, or give counsell or aid against it,  
shall be pronounced excommunicated; Also by that of *Ed. 3. 24. 1.* if any  
Statute be made against the great Charters, it shall be void and held for none.

Lastly we see by the foresaid Lawes, by the sacred League and Covenant,  
and also by the Declarations of both Kingdomes, that we the true Servants  
to this happie Parliament, ought to be relieved, and not starved, before our  
Causes are heard.

Hereupon your Petitioners doe most humble pray, that your good Lord-  
ships would be pleased to move the Honourable House of Commons for a  
concurrence, to have a Committee of Lords and Commons to heare our par-  
ticular grievances, with the remedies against the places for Judicature, which  
by your Petitioners, and all others within the Covenant, may have speedy  
remedie, and that the Committee hereafter named may be enjoyned to pro-  
ceed, if the other do not attend, for the perfecting of this happie work  
of regulating all places of Judicature, according to the great Charter, and  
Nationall Covenant.

And your Petitioners shall ever pray, &c.

*This of the great Charter made 9. Hen. 3. Chap. 29. is confirmed above thirty times in Parliament, with a dreadful Curse, and Excommunication upon the Breakers thereof.*

**N**O Free-man shall be taken or imprisoned, or be disseised of his Freehold or Liberties, or Free-customes, or be out-lawed, or exiled, or any other-wise destroyed, nor we shall not passe upon him, or condemne him, but by lawfull Judgement of his Peers, or by the Law of the Land, we shall kill no man, we shall deny nor deferre to no man, either justice or right. In 31. of *Ed. 1. Cap. 1.* this is also confirmed, and to be sent under the Kings Seale, to all Sheriffs, and all other Officers, and to all Cities in the Realm, to be published twice every year, and if any judgement shall be given contrary to the Points of the great Charter, it shall be undone, and that Justices, Majors, and other Ministers of guiding the Lawes shall allow the same in pleading, in all their points, that is to wit the great Charter as the Common-Law, 3. of *Ed. 1. 8.* and that nothing be taken for false pleading.

*Cook Comment, pag. 56.* we shall not sell, deny, or delay justice and right, *Iustitiam vel rectum*, neither the end which is justice, nor the means, whereby we may attaine to the end. 36. *Ed. 3. 15.* By this Statute the people that plead, or be impleaded in the Courts of the King, or others must plead, defend, answer, debate and judge it in the English tongue, that everie man may the better save, and defend his heritage and possession.

By our National Covenant, we are with our estates and lives to preserve the Rights, and Privileges of Parliament, the true Religion, and Liberties of the Kingdom, and each one in his place and calling is to assist and defend all those that enter into this Covenant.

Also in the Declaration of both Kingdoms, it is resolved and decreed never to lay downe Armes that hath and perce by the blessing of God be settled in this Island upon a firme Foundation, for the present and future Generations.

**11. H. 7. Chap. 12.** By this Statute all poore persons shall have *Writs* and *Subpœnas*, Courcellours, Atorneys, and all other Officers by the Chancellour, and other Justices in Courts of Record, taking nothing for the speed of their suits. By this the Devill shalbe exiles that are poore by this warre ought to have justice, and proceeding therein for nothing.

Our renowned Ancestors out of their providence and policie to preserve this famous Kingdome by peace and piety in a flourishing state to their succeeding Generations, procured the great Charter with liberties against slavery and oppression, above thirty times confirmed in Parliament with annuall Proclamations of fearful curses against the breakers of that precious Charter;

Charter ; Also our Ancestors settled their lands to come to their eldest sons for the better maintaining of the Realme in that peaceable condition, that the younger brothers with great estates gotten by Divinitie, Merchandize, and Souldierie, might helpe to uphold the glorie of this Nation, and not with projects against the Charter by Ship-money Judges, and their Recorder Favourites to enrich themselves by the ruines of their elder brothers lands.

Wherefore your Petitioners desire all true Patriots that are zealous for Gods glory and their Countreyes good to assist us with prayers to God Almighty and Petitions to this blessed Parliament for regulating all places of Judicature according to the great Charter, and that the Parliament would consider whether the said Charter be ever likely to be kept from such projects in time to come if some of the cursed Ship-money Judges and their Recorders at Oxford be not put to death for what they have done against the great Charter, and such estates since 1. Car. so gotten restored to the right owners, for their damages, and whether the monuments of dangerous enemies to the Common-wealth viz. Buckingham, and Coventrey, &c. shall still remaine mounted above pious Princes, and their estates continue greater then they were before their swelling by Ship-money projects.



Earle of Kent,  
 Earle of Bullingbrooke,  
 Mr. Sargeant Wilde,  
 Mr. Browne.

*Martis 15 die Aprilis, Anno Regni Charoli  
 Regu 21, inter Iohannem Strode Milit.  
 et defunct. quær. Richardum Strode  
 Milit. & alios Defendentes.*

FOR as much as the Right Honourable the Lords, and others, Commissioners for the Great Seale of England, were this day informed by Mr. Harvey, being of the Defendants Councell, That Sir Robert Strode about 39 Elizabeth, upon a marriage between the said Defendant Sir Richard Strode, and Katherine the only daughter and heire of the said Sir Robert, promised in writing, that upon payment of two thousand pounds, he would for that money, and the marriage, assure after his life unto the Defendant and his said Daughter, and their Heires, Lands to the value of three hundred pounds *per annum*, and 140 pounds in Leases, together with 300 l. Lands *per annum* more, if the said Sir Robert should dye without a son, and the two thousand pounds being paid, the marriage took effect, and in consideration of the money, marriage, name, and bloud, the said Leases and Lands were settled as aforesaid, by Fines, Recoveries, and Indentures, with a Bond of two thousand pounds for performance of the Covenants in the said Indentures accordingly. And in *septimo Iacobi* the Defendants wife being dead, leaving three daughters, the said Sir Robert, by the sinister advice of his brother the Plaintiffe, not only defrauded the Defendant of the Leases, but also of the said last halfe of the Lands, by suffering a new Recoverie with uses in a fraudulent Deed, to the said Sir John Strode his second brother, for fained considerations, upon pretence to raise a thousand pounds, and two thousand Marks, for the said three daughters portions. For which the Bond of two thousand being sued against the said Sir Robert, who preferred his Bill into this Court, and at the hearing thereof desired, that his aliened Lands might be reassured, as they were before on the Defendant, so as they might be charged with the said portions, and a thousand pounds more to the Defendants father, and allowing a Joynture in a small part of them, all which by the endeavours of the Master of the Rolls in *decimo Iacobi*, was decreed. After which the said Sir John Strode preferred a Bill to reverse the said Decree, which upon hearing in 15 Iacobi, was dismissed

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Wherefore your Petitioners desire all true Patriots that are zealous for Gods glory and their Countreyes good to assist us with prayers to God Almighty and Petitions to this blessed Parliament for regulating all places of Judicature according to the great Charter, and that the Parliament would consider whether the said Charter be ever likely to be kept from such projects in time to come if some of the cursed Ship-money Judges and their Recorders at Oxford be not put to death for what they have done against the great Charter, and such estates since 1. Car. so gotten restored to the right owners, for their damages, and whether the monuments of dangerous enemies to the Common-wealth viz. Buckingham, and Coventrey, &c. shall still remaine mounted above pious Princes, and their estates continue greater then they were before their swelling by Ship-money projects.

Earle of Kent,  
Earle of Bullingbrooke,  
Mr. Sargeant Wilde,  
Mr. Browne.

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*Martis 15 die Aprilis, Anno Regni Charoli  
Regis 21, inter Iohannem Strode Milit.  
in re defuncti. quer. Richardum Strode  
Milit. & alios Defendentes.*

FOR as much as the Right Honourable the Lords, and others, Commissioners for the Great Seale of England, were this day informed by Mr. Harvey, being of the Defendants Councell, That Sir Robert Strode about 39 Elizabeth, upon a marriage between the said Defendant Sir Richard Strode, and Katherine the only daughter and heire of the said Sir Robert, promised in writing, that upon payment of two thousand pounds, he would for that money, and the marriage, assure after his life unto the Defendant and his said Daughter, and their Heires, Lands to the value of three hundred pounds *per annum*, and 140 pounds in Leases, together with 300 l. Lands *per annum* more, if the said Sir Robert should dye without a son, and the two thousand pounds being paid, the marriage took effect, and in consideration of the money, marriage, name, and blood, the said Leases and Lands were settled as aforesaid, by Fines, Recoveries, and Indentures, with a Bond of two thousand pounds for performance of the Covenants in the said Indentures accordingly. And in *septimo Iacobi* the Defendants wife being dead, leaving three daughters, the said Sir Robert, by the sinister advice of his brother the Plaintiffe, not only defrauded the Defendant of the Leases, but also of the said last halfe of the Lands, by suffering a new Recoverie with uses in a fraudulent Deed, to the said Sir John Strode his second brother, for fained considerations, upon pretence to raise a thousand pounds, and two thousand Marks, for the said three daughters portions. For which the Bond of two thousand being sued against the said Sir Robert, who preferred his Bill into this Court, and at the hearing thereof desired, that his aliened Lands might be re-assured, as they were before on the Defendant, so as they might be charged with the said portions, and a thousand pounds more to the Defendants father, and allowing a Joynture in a small part of them, all which by the endeavours of the Matter of the Rolls in *decimo Iacobi*, was decreed. After which the said Sir John Strode preferred a Bill to reverse the said Decree, which upon hearing in 15 Iacobi, was dismissed

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for a wrangling Bil, and the Decree in 10. *Jacobi* was decreed to stand in force; and since the said Sir *John Strode* was served with a Writ of Execution upon the said Decree, and he, and his Assignes have received 3400 pounds by perception of the profits of the said Lands, being more money than is charged upon the said Lands by the said Decrees, and the said Sir *John* is now lately dead, and therefore it was prayed that an Injunction might be awarded to settle the Defendant Sir *Richard Strode* and his Assignes in the possession of the said Lands, according to the true meaning of the said Decree of *decimo* so confirmed, as aforesaid, which their Lordships held reasonable, and do order that a Subpoena be awarded against the Heirs and Assigns of the said Sir *John Strode*, to shew cause at the returne thereof, wherefore it should not be ordered as is desired.

*Per Ro. Carpenter, Deput. Reg.*

There hath been no cause shewed to the contrarie hereof, for any thing appeares in the Register, it being now the 26 of June, 1645.

*Per Ro. Carpenter Deput. Reg.*

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*Earle of Kent,  
Earle of Bullingbrooke,  
Mr. Sargeant Wilde,  
Mr. Browne,  
Mr. Prideaux.*

*Veneris 24 die Octobr. Anno Regni Charoli Regis 21 inter Iohannem Strode Mil. mod. defunct. nuper quer. Richardum Strode Mil. & alios Defendentes.*

**V**Pon opening of the matter this present day unto this Court by *M. Wats* being of the Defendants Councell, it was alledged, that the Defendant having obtained an order of the fifteenth of April last, whereby a Subpoena was awarded against the Heires, and Executors of the said Plaintiffe, to shew cause why an Injunction should not be awarded to settle the Defendants, Sir *Richard Strode*, and his Assignes, in the possession of the Lands in that Order mentioned, according to the Decree of *Decimo Jacobi Regis* confirmed fifteenth *Jacobi*, afterwards the Councell of the Heire and Executor of the said Sir *John Strode* coming after the day in the said Subpoena, to shew cause

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in the absence of the Defendants Councell, and upon untrue informations obtained an Order of the thirty of June last, whereby the said former Order of the fifteenth of April was discharged, and therefore prayed that the said last Order, might be discharged, and the rather, for that two of the Masters of this Court, have in their report now shewed declared, that in Januarie 16 Jacobi, none of the said Lands were decreed for the said Sir John, or for any under whom he claims, and that the precedent Order of the fifteenth of Aprill last to stand in force, whereupon in respect the Councell of the adverse Parties were not now present : It is ordered the Councell on both sides shall attend in this Court, on Thursday seven-night next, to be heard herein ; and for that purpose M. Maynard, and M. Hall, of Councell with the Adverse Parties, are to have notice hereof, that they may then attend accordingly.

*Per Ro. Carpenter Deput. Reg.*

3

*Earle of Kent,  
Earle of Bullingbrooke,  
Mr. Prideaux.*

*Luna 30 die Iunii Iohannem Strode Mil.  
modo defunct. quer. Richardum Strode  
Mil. & alios Defendentes.*

**VV** Hereas by an Order of the fifteenth of April last, for the reasons therein set forth, it was prayed that an injunction might be awarded to settle the Defendants, Sir Richard Strode and his Assignes in the possession of the Lands, according to the true meaning of the Decree of 10 Jacobi Regis, it was ordered that a Subpoena should be awarded against the Heires and Assignes of the said Sir John Strode, to shew cause at the returne thereof ; wherefore it should not be ordered as was desired. Vpon opening of the matter this present day, unto the right honourable the Lords and other Commissioners, for the Great Seale of England, by M. Hall, and M. Maynard, being of Councell with the Heires and Executors of the said Plaintiff, Sir John Strode it was alledged, that this cause hath depended forty yeares, in suit and after severall Decrees made the said Defendant did in the best time of the said Plaintiff, presse the execution of the said Decree

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of 10 *Jacobi*, and by Order of the twentieth five of May, 1641. M. Page one of the Masters of this Court, being to state the case, the said Master the fourteen of July 1641. made his report and afterwards by Order of the twentieth one of Februarie, 17 *Caroli Regis*, upon reading the report, and hearing councell on both sides, the then Lord *Keeper* being assisted by M. Justice *Reeve*, and M. Baron *Hendon*, and the point being whether the said Sir *John Strode* were in contempt, for the breach of the said Decree; his Lordship with the same Judges saw no ground to charge the said Sir *John Strode* with the said contempt, and did Order that the Defendants should pay him such costs, as the said Master should tax, who by his Report dated twenty of May 1642. did tax twentieth pound costs, and the Defendant is in contempt for none payment thereof, and the said Decree of 10 *Jacobi*, was long since avoyded by subsequent Decrees; their Lordships allowing the cause now shewed, do Order that the said Order of the fifteenth of April last be discharged.

*Per Ro. Carpenter, Deputat. Reg.*

4

*Earle of Bullingbrooke,*  
*Mr. Sargeant Wilde,*  
*Mr. Browne,*  
*Mr. Prideaux.*

*Martis 11 die Novembris, Anno Regni*  
*Caroli Regis 21, inter Iohannem Strode*  
*modo defunct. quer. Richardum Strode*  
*Mil. & alios Defendentes.*

**V**Whereas by an Order of the twenty sixe of October last, it was Ordered, That Councell on both sides should attend on Thursday seven-night then next, to be heard in the cause. Now upon opening of the matter, this present day unto this Court by M. Recorder of London, being of the Defendants Councell who moved in respect notice of the former Order had been given to the Councell of the Adverse Parties, and yet they did not attend at the time limited, that therefore the Order of the thirtieth of June last might be discharged, and a precedent Order of the fifteenth of Aprill last, might stand in force; but upon hearing, M. *Herne* being of Councell with the Heires and Executors of the said Plaintiff, Sir *John Strode* forasmuch as it was alledged.

alleged that there is a Decree made in this cause, subsequent to the Decree of *Decimo* confirmed in 15, by which the Defendant claimes, whereby the Defendants Decree is avoyded, and the matter hath rested in quiet twenty yeares. This Court thought not fit to make any Order upon the merits of the cause, but leaveth the Defendants to prosecute his Decrees (if any such be) according to the rules and due course of this Court.

*Per Ro. Carpenter, Deputat. Reg.*

5

*Sextodecimo die Novembris, Anno Regni Elizabetha Regina 42, inter William Essex & Edmand Essex, quer. William Muschamp Defendentes.*

**W**Hereas motion was this present day made by M. *Bey* being of the Defendnts Councell, that in respect the Plaintiff hath shewed no other cause as it appeareth by the Report of M. *Tyndall* one of the Masters of this Court, wherfore he the said Master *Essex* should not be bound by the Decree which heretofore passed against his father, touching the Lands in question. But in respect he the said *William Essex* is issue in taile, and in respect also this Court hath this Terme as it is alleged made a Decree against issue in taile, therefore, he the said *William Essex* may be bound by the said Decree, so made against his father, and that the matter of his Bill may be dismissed out of this Court. It is thereupon ordered, That the said Master *Tyndall* shall again consider and report to this Court, whether any other matter appear in the pleadings, wherfore the Plaintiff should not be bound by the said Decree, save only the said matter of entaile or not, whereupon such further Order shall be taken, in the cause as shall be meet.

*Sabbathi*

*Sabbathi 27 die Aprilis, Anno Regni Caroli Regis 15, inter Samuel Knipe, & alios, quer. Anthonium Lamplough Def.*

**W**Hereas by an Order of the third of November last, *Ellen* the Administratrix of the said Defendant, was Ordered to pay unto the party the 240 l. 4. s. 10. d. according to a former Order, and by a subsequent Order, the Plaintiff had liberty to prosecute the said *Ellen* with contempt for breach of the Decree, for none payment of the said money. Now where Sir *Thomas Bedingfield* Knight Attorney of the Dutchy, this day informed the right honourable the Lord Keeper, that the said *Ellen* being Administratrix of the said Defendant, hath not Assets of the Testators estate, to satisfy the Decree, and answer such sums of money due from the said Testator, and for which she is impleaded at Law, and therefore humbly moved, that the said *Ellen* for so much money as she shall pay in obedience to the said Decree, may either be discharged thereof, and protected by this Court, or may give the same in evidence upon a *plene administravit*, his Lordship nevertheless upon hearing M. Sergeant *Turner* being of Councell with the said *Knipe*, held not fit to make any such Order as was now desired, but doth thinke fit and Order, that the said money shall be paid unto the said *Knipe*, he putting in securitie such as Sir *Robert Rich* shall allow of to abide the Order of this Court to make restitution of the said money, if this Court shall find cause; his Lordship withall advising that the said *Knipe* have care and see that nothing be done under-hand by practice, and collusion between the said *Allen* and *Archibald Armstrong*, to charge the said estate and defeat the Decree.

27 Iannuarii,  
16 Iacobi 1618.

*Inter Richardum Strode Mil. quer. Iohannem Strode, Georgium Strode, & alios Defendentes.*

**W**Hereas by an Order of the 28 of November last, we were to report to this Court, whether the Lands in question, or any part



part thereof were formerly decreed, wee have accordingly in the presence of the Plaintiffe and his Councell, and of the Defendant considered thereof, and wee do not find that any Land hath been heretofore decreed for the Defendants, or for any under whom they claime, all which we humbly leave to the grave censure of this most Honourable Court.

*James Wolveridge.  
Eub. Thelwall.*

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*At the Rolls.  
Master of the Rolls,  
Mr. Doctor Aylet,  
Mr. Doctor Heath.*

*Veneris 28 die Novembris, Anno Regni Caroli  
Regis 21, inter Iohannem Strode Arm. filium & exitum taliat Robert. Strode Mil. defunct. nuper marit. Dom. Margaret Strode nuper defunct. quer. Richardum Strode Mil. & alios Defendentes.*

FOR as much as the Court was this present day informed by Mr. *Ludford* being of the Defendants Councell, that the said Sir *Richard Strode* was in or about the second day of November, in the seventeenth yeare of our late Sovereigne Lord King *James*, in the lawfull and quiet possession of a capitall Messuage or house called *Parnham*, with the demesne lands thereunto belonging, situate and being in or neere *Bemister* in the Countie of *Dorset*. And that where the said Dame *Margaret* had long before that time preferred her Bill in this Court against the said Defendant and others, touching her right for life in the said capitall Messuage and Premises, and that the same cause coming to hearing, was on the 21 of October, in the said seventeenth yeare ordered amongst other things, that the matter of the said Dame *Margaret's* Bill, as touching the said house and Premises, should be left to the common Law, yet nevertheless upon a motion made by the said Ladies Councell in the absence of the said Sir *Richard Strode*, yet in the presence of one of the other Defendants, it was Ordered the ninth of November, in the yeare aforesaid, that the Injunction thentofore granted, for the then Plaintiffs enjoying of the said house and Lands, should stand still in force untill the same should be recovered against her

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at the Common Law, and where the Councell of the said Sir Richard did further informe, that the said Dame Margaret had the fruit and benefit of the said Injunction, and was now lately during these troublesome times deceased, and that the said John Strode under pretence of being Heire intaile unto the said Sir Robert Strode, and under colour of a fraudulent Deed, and a counterfeit Decree, hath unduly gotten the possession of the Premises, and with strong hand assisted with the enemies to the State, doth threaten so to keepe the same, contrary to a Decree made and confirmed in this Court, to the right Heire and true Purchaser, and he being not by ordinary meanes to be served with Proces; yet denying the matter before mentioned to be true, hath Councell retained and sufficiently instructed in towne. It was prayed on the said Sir Richard Strodes behalte that he might be settled and quieted in the possession of the Premises, as he was at the making of the said recited Order, whereupon it is Ordered, that Councell on both sides shall attend to be heard on the first day of the next Terme, and the Councell of the said John Strode are to have notice hereof to the end they may then attend accordingly.

Per Ro. Carpenter, *Deputat. Reg.*